

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### **I. Amendments to the Specification and Abstract**

The specification and abstract have been reviewed and revised to improve their English grammar. No new matter has been added.

### **II. Amendments to the Claims**

Independent claim 1 has been amended to clarify features of the invention recited therein and to further distinguish the present invention from the references relied upon in the rejections discussed below. Support for this amendment can be found, at least, in paragraphs [0013]-[0015] of the specification.

Dependent claims 10 and 11 have also been amended to clarify feature of the invention recited therein. Support for these amendments can be found, at least, in paragraphs [0029], [0030], and [0039] of the specification.

It is also noted that claims 1, 3, 4, 6, 10 and 11 have been amended to make a number of editorial revisions thereto. These editorial revisions have been made to place the claims in better U.S. form. Further, these editorial revisions have not been made to narrow the scope of protection of the claims, or to address issues related to patentability, and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

In addition, claims 8, 9, 12 and 13 have been identified as being withdrawn.

### III. 35 U.S.C. § 102 Rejections

Claims 1, 3, 5-7, 10 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hagino. Further, claims 1, 3, 5-7, 10 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tasai. These rejections are believed clearly inapplicable to amended independent claim 1 and the claims that depend therefrom for the following reasons.

Amended independent claim 1 recites a battery including a power generating element with a positive electrode, a negative electrode, and a separator, and including a battery case housing the power generating element, a battery cover closing the battery case, a terminal provided for the battery cover, and a lead electrically connecting the terminal and one of the positive electrode and the negative electrode. In addition, claim 1 recites that the battery includes a member that is (i) in contact with an inner wall of the battery case so as to be held in a position inside of the battery, and (ii) sandwiching a part in which the lead and the one of the positive electrode and the negative electrode are electrically connected. Hagino and Tasai fail to disclose or suggest the above-mentioned distinguishing features as recited in amended independent claim 1.

Rather, Hagino merely teaches that collecting terminals 5 include a rivet member 54 and a washer member 53 arranged on both sides of an axis bunch 49, such that the collecting terminals 5 do not have contact with the inside of the barrel 11 (see paragraph [0014] and Figs. 1, 2 and 3).

Thus, in view of the above, it is clear that Hagino teaches that the collecting terminals 5 do not have contact with the inside of the barrel, but does not disclose or suggest the member that is (i) in contact with an inner wall of the battery case so as to be held in a position inside of

the battery, and (ii) sandwiching a part in which the lead and the one of the positive electrode and the negative electrode are electrically connected, as recited in claim 1.

Now turning to Tasai, it is apparent that Tasai teaches that pinching plates 4 have a connecting plate portion 2b and metal foil inserted therein, so that the pinching plates 4 can hold only the linear part of the metal foil together with the connecting plate portion 2b (see paragraphs [0039] and [0040] and Figs. 1 and 2).

Thus, in view of the above, it is apparent that Tasai teaches that the pinching plates 4 only hold the metal foil together with the connecting plate portion, but fails to disclose or suggest the member that is (i) in contact with an inner wall of the battery case so as to be held in a position inside of the battery, and (ii) sandwiching a part in which the lead and the one of the positive electrode and the negative electrode are electrically connected, as recited in claim 1.

More specifically, it is evident that Tasai teaches that the power generating element 1 including the pinching plates 4 is inserted into the battery case 8 (see Fig. 4), but fails to disclose or suggest that the member is in contact with the inner wall of the battery case so as to be held in a position inside of the battery, as recited in claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 1 and claims 3-7, 10 and 11 that depend therefrom are not anticipated by Hagino or Tasai.

Furthermore, there is no disclosure or suggestion in Hagino or Tasai or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Hagino or Tasai to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 and claims 3-7, 10 and 11 that depend therefrom are clearly allowable over the prior art of record.

#### **IV. 35 U.S.C. § 103(a) Rejection**

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hagino in view of Iwaizono (secondary reference).

In view of the above, it is respectfully submitted that this secondary references does not disclose or suggest the above-discussed features of independent claim 1 which are lacking from the Hagino. Therefore, no obvious combination of Hagino with the secondary reference would result in, or otherwise render obvious, the invention recited independent claim 1 and the claims that depend therefrom.

Furthermore, the Applicants respectfully submit that it would not be practical to replace the collecting terminals 5 of Hagino with the resin rivets 62 of Iwaizono, as suggested in the above-mention rejection of claim 4. Specifically, the Applicants submit that, based on the structure of the resin rivets 62, by replacing the collecting terminals 5 with the resin rivets 62, the resin rivets 62 would be located between the non-coated core bundle 49 and the lead 7. This arrangement would increase the internal resistance between the non-coated core bundle 49 and the lead 7, which is contrary to the object of the invention of Hagino. As a result, it is respectfully submitted that the insulating resin rivet of Iwaizono cannot be combined with the invention of Hagino in the manner specified in the above-mentioned rejection of claim 4.

**V. Conclusion**

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Noriyoshi MUNENAGA et al.

/Andrew L. Dunlap/

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Andrew L. Dunlap  
Registration No. 60,554  
Attorney for Applicants

ALD/led  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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